

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6241 of 2015

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Mohd. Fazal Rab, Son of Md. Idris, Resident of Village- Bashir Nagar, P.S. –
Thakur Ganj, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, HRD, Department Old Secretariat, Patna.
2. Joint Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
3. Director Primary Education Government of Bihar.
4. Department of Education Bihar, Patna.
5. The District Magistrate, Rohtas.
6. The District Education Officer Rohtas, District-Rohtas.
7. District Programme Officer (Est.) District- Rohtas.
8. The Block Education Officer, Nauhatta, Nauhatta Block, District- Rohtas.
9. The Headmaster cum Disbursing authority, Middle School Dura Nagar, Nauhatta Block, District- Rohtas at Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 19-01-2018

Heard learned counsel for the petitioner. Unfortunately, nobody appears on behalf of the State despite copy of the writ petition having been served on him on 03.04.2015 and name appearing in the cause list.

2. The petitioner has moved the Court seeking salary for the period 29.06.2012 to 10.06.2014.

3. The petitioner was appointed as trained teacher in terms of the order of the Hon'ble Supreme Court but after working for some period, a controversy was created and his service was



terminated by order dated 10.06.2014, by withdrawing the earlier order of termination.

4. Learned counsel for the petitioner submitted that for no fault of his and on a wrong ground his service was terminated on 05.06.2012 but later on, the authorities having realised the same, have withdrawn the termination order on 10.06.2014, but had not paid the salary without there being any fault or laches on the part of the petitioner. He further submitted that the petitioner is similarly situated to Md. Akram and others, who had moved the Court in C.W.J.C. No. 10979 of 2012, which was allowed by a co-ordinate Bench on 11.12.2012, by holding them entitled to full salary for the intervening period.

5. Despite copy of the writ petition having been served on learned counsel for the State on 03.04.2015, neither there is any counter affidavit nor any State counsel has appeared.

6. In view thereof, the Court can only presume that the averments made in the writ petition and the contention of the petitioner that he is similarly situated to the petitioners of C.W.J.C. No. 10979 of 2012, having remained uncontroverted, the petitioner is also entitled to similar relief.

7. Accordingly, the writ petition stands allowed in terms of the order dated 11.12.2012 passed in C.W.J.C. No. 10979 of 2012.



The petitioner is entitled to full salary for the intervening period i.e., 29.06.2012 to 10.06.2014. The same be paid to him within one month from the date of production of a copy of this order before the respondent no. 7.

8. The writ petition stands allowed in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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